



INTERIOR BOARD OF INDIAN APPEALS

Donald Harrison v. Eastern Oklahoma Regional Director,
Bureau of Indian Affairs

37 IBIA 144 (02/20/2002)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
SUITE 300
ARLINGTON, VA 22203

DONALD HARRISON,
Appellant

v.

EASTERN OKLAHOMA REGIONAL
DIRECTOR, BUREAU OF INDIAN
AFFAIRS,
Appellee

: Order Docketing and Dismissing
: Appeal
:
:
: Docket No. IBIA 02-35-A
:
:
:
: February 20, 2002

In December 2001, Appellant Donald Harrison filed a notice of appeal with the Board of Indian Appeals, stating that he was appealing under 25 C.F.R. § 2.8, "Appeal from inaction of official." Although Appellant did not specifically describe the subject matter of his appeal, his filing suggested that his appeal might concern an enrollment matter pending on appeal before the Eastern Oklahoma Regional Director, Bureau of Indian Affairs.

On December 17, 2001, the Board ordered Appellant to file a statement describing the subject matter of his appeal. In his response, Appellant stated that his appeal did not concern an enrollment matter. Again, however, he failed to identify the subject matter of the appeal.

Therefore, on January 15, 2002, the Board requested the Regional Director to send the Board a copy of the appeal Appellant filed with him and any other documents the Regional Director believed would assist the Board in determining the subject matter of Appellant's appeal.

The Regional Director's response has now been received. The materials he has furnished make it clear that Appellant's appeal to him concerned the denial of Appellant's application for a Certificate of Degree of Indian Blood (CDIB).

Appellant was one of several appellants in an earlier appeal to the Board concerning the denial of applications for CDIBs. The Board dismissed that appeal, holding that it lacked

jurisdiction over appeals concerning CDIBs. Harrison v. Acting Director, Office of Tribal Services (Harrison I), 32 IBIA 49 (1998). 1/

The Board finds that this appeal must also be dismissed for lack of jurisdiction. 2/

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is docketed but is dismissed for lack of jurisdiction.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge

1/ Following the Board's dismissal in Harrison I, Sheron Harrison (who was the lead appellant in Harrison I), challenged the underlying BIA decision in Federal court. The BIA decision was affirmed by the United States District Court for the Eastern District of Oklahoma in Harrison v. United States Dep't of the Interior, CIV 98-228-S (E.D. Okla. Aug. 23, 1999). In turn, the district court's decision was affirmed by the United States Court of Appeals for the Tenth Circuit. No. 99-7108, 27 Indian Law Rptr. 2216 (10th Cir. Aug. 28, 2000).

2/ In addition, this appeal is subject to dismissal on grounds of res judicata. See Racine v. Rocky Mountain Regional Director, 36 IBIA 274 (2001), and cases cited therein.